

**ANALYSIS AND FINDINGS FOR
TREE PLAN TWO APPROVAL
(TP2004-0021; Removal of Community Trees)**

Discussion

The following section evaluates the decision criteria for a Tree Plan Two. Following each approval criterion, findings are made, based primarily on the written narrative and plans submitted by the applicant, establishing that the criterion is met.

Section 40.90.05 states the following purpose for Tree Plans:

The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of significant and historic tree and grove, landscape tree, street tree, and community trees thus helping to preserve and enhance the sustainability of the City's urban forest. This Section is carried out by the approval criteria listed herein.

Standards for Approval by the Board:

Section 40.90.15.2.C of the Development Code provides standards to govern the decisions of the Board as they evaluate and render decisions on Tree Plan Two applications. The Facilities Review Committee has reviewed the Facilities Review criteria of Section 40.03, and found that there are no conditions of approval applicable to the Tree Plan request. The Board will determine whether the application as presented, meets the Tree Plan Two approval criteria. The Board may choose to adopt, not adopt or modify the Committee's findings. In this report, staff evaluates the application in accordance with the criteria for Tree Plan Two.

Section 40.90.15.3.C Approval Criteria

In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Tree Plan Two application.***

The intent of this criterion is to ensure the proposed project meets the threshold listed in Section 40.90.15.2.C.1-3. The proposal meets this requirement by being consistent with threshold #3, which states that an application for Tree Plan II shall be required when the following threshold applies:

“Removal of five (5) or more Community Trees within a one year

calendar year period on properties more than one-half acre in size.”

As illustrated on the applicant’s submittal drawings, the applicant is requesting removal of more than five (5) community trees which is consistent with the above cited threshold.

Therefore, staff find that the criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant paid the required associated fees of \$620.00 for a Tree Plan Three application on May 14, 2004.

Therefore, staff find that the criterion is met.

3. *If applicable, pruning of any tree or removal of a landscape, street, or community tree is necessary to enhance the health of the tree, grove, group of trees, or an adjacent tree or to eliminate conflicts with structures or vehicles.*

The applicant is requesting removal of existing trees to accommodate the proposed development in association with the Crystal Spa development land use applications.

Therefore, staff find the criterion is not applicable.

4. *If applicable, it is necessary to remove diseased of landscape, street, or community trees or trees weakened by age, storm, fire, or other condition.*

The applicant is requesting removal of existing trees to accommodate the proposed development in association with the Crystal Spa development land use applications.

Therefore, staff find the criterion is not applicable.

5. *If applicable, pruning of any tree or removal of a landscape, street, or community tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.*

The applicant is requesting removal of existing trees to accommodate the proposed development in association with the Crystal Spa development land use applications.

Therefore, staff find the criterion is not applicable.

- 6. *If applicable, pruning of any tree or removal of a landscape, street, or community tree is necessary to accommodate development where no reasonable alternative exists for the development at another location on the site, or where variances to setback provisions of this Code will cause other undesirable circumstances on the site or adjacent properties if the tree is saved.***

The applicant has stated that the purpose of this proposal is to request the removal of existing trees to accommodate for the redevelopment of the parcel to add a new spa building in the northern portion of the site. As the applicant's narrative states, approximately five (6) existing "Community Trees" are to be removed to accommodate for the new spa building and site modifications. Staff find there is no other reasonable alternative other than the removal of trees from the site within the area that is to be developed.

Therefore, staff find that the criterion is met.

- 7. *If applicable, removal of a landscape tree or street tree or pruning of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent site.***

The applicant is requesting removal of existing trees to accommodate the proposed development in association with the Crystal Spa redevelopment land use applications.

Therefore, staff find the criterion is not applicable.

- 8. *If applicable, removal of landscape, street, or community tree is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs where no reasonable alternative exists without significantly increasing public costs or reducing safety.***

The applicant is proposing to remove the existing "Community Trees" in order to accommodate a new building and associated site improvements with

the Crystal Spa redevelopment land use applications.

Therefore, staff find the criterion is not applicable.

9. *Removal of a tree or grove shall not increase erosion or resulting erosion shall be controlled consistent with City and Clean Water Services regulations.*

As the applicant's narrative states, areas where the trees are to be removed, are to be graded and the topography changed to allow for appropriate drainage and replacement of landscaping. As conditioned by the Facilities Review Committee, all erosion shall be controlled and consistent with City and Clean Water Services regulations.

Therefore, staff find that by satisfying the condition, the criterion is met.

10. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The applicant has submitted the required application materials for review of a Tree Plan Two application. This review process is a required step to receive City approval for the applicant's proposal. The developer has submitted three additional applications including, a Design Review (DR2004-0064), Loading Determination (LD2004-0002), and a Parking Determination (PD2004-0001). Because the applications are being reviewed concurrently the Board will review all four (4) applications at one public hearing.

Therefore, staff find that the criterion is met.